

## **Virginia Board of Funeral Directors and Embalmers**

### **Initiating Disciplinary Action Against Funeral Homes for Failing to Submit Corrective Action to Deficiencies Noted During Routine Inspections**

1. Board staff reviews all inspection reports and responses to deficiencies cited during the inspections
  - a. Licensees are given information at the time of inspection that they are to respond to the deficiencies within 14 days of the inspection.
  - b. Board staff tracks receipt of the inspection reports and the deficiency corrections.
2. If the licensee fails to respond within 14 days of the inspection
  - a. Board staff will send a certified letter (a copy of the letter will be sent first class mail) to the Manager of Record's (MOR) address of record in 2-5 days of the response due date. The letter will include a new due date which will be 10 days after the date of the letter.
  - b. Board staff will initiate disciplinary action against the funeral home 5 days after second due date if there is no response.
  - c. A Pre-hearing Consent Order based on the following guidelines will be sent to the MOR:
    - i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for each citation of deficiency.
    - ii. FH must submit acceptable corrective action.
    - iii. \$100 penalty will be added for each week after the deadline the PHCO remains unsigned, unless a special conference committee has been requested by the licensee.
  - d. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.
3. If the licensee responds with unacceptable corrective action
  - a. A letter will be sent to the MOR's address of record in 2-5 days after the Board received the correction action to inform the MOR of problems with the corrective action. The letter will include a new due date, which will be 10 days after the date of the letter, for additional corrections.
  - b. If the funeral home fails to respond with new corrections within the new deadline, a certified letter will be sent to the MOR's address of record in 2-5 days of the deadline (a copy of the letter will be sent first class mail). The letter will include a new due date which will be 7 days after the date of the letter.
  - c. Disciplinary action against the funeral home will be initiated 5 days after the third due date.
  - d. A Pre-hearing Consent Order based on the following guidelines will be sent to the MOR:

- i. \$100 monetary penalty for failing to respond in a timely manner plus \$100 additional penalty for every citation not addressed.
    - ii. FH must submit acceptable corrective action.
    - iii. \$100 penalty will be added for each week after the deadline the PHCO remains unsigned, unless a special conference committee has been requested by the licensee.
  - e. If the licensee fails to respond to the pre-hearing consent order or does not agree to it, the matter will be referred to an informal conference.
4. If the licensee has been previously disciplined for failing to respond to inspection citations of deficiencies, the matter should be referred to the Special Conference Committee.
  5. Nothing in this Guidance Document prevents the Board from taking disciplinary action against the Manager of Record.